



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, FRIDAY, NOVEMBER 7, 1986/KARTIKA 16, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 7th  
November, 1986:—

BILL No. 112 OF 1986

*A Bill further to amend the Minimum Wages Act, 1948.*

BE it enacted by Parliament in the Thirty-seventh Year of the  
Republic of India as follows:—

1. This Act may be called the Minimum Wages (Amendment) Act,  
1986.

Short  
title.

11 of 1948,

2. In section 3 of the Minimum Wages Act, 1948, in sub-section (1),  
in clause (a), after the existing proviso, the following proviso shall be  
inserted, namely:—

Amend-  
ment of  
section 3.

“Provided further that if the minimum wages of employees  
employed in any particular unit of scheduled employment are  
higher than the minimum wages fixed by the appropriate Govern-  
ment, such higher wages shall be the minimum wages for the pur-  
poses of this Act for that particular unit notwithstanding that such  
wages have been fixed under any settlement, negotiation, customs,  
practice and notice or rules, either express or implied.”.

## STATEMENT OF OBJECTS AND REASONS

The Minimum Wages Act, 1948 was brought to ensure reasonable minimum wages for the low paid workers and it was made obligatory to be paid in accordance with minimum wages fixed under the said Act, irrespective of the capacity of employer to pay the same. The Supreme Court has repeatedly held that the employer who can not pay minimum wages has no right to exist. (Crown Aluminium Case—Supreme Court Judgement—1958—1, L.L.J.).

There are certain units|industries covered under the Schedule to the Minimum Wages Act, 1948 wherein employees are paid more than the minimum wages fixed under the Act. Such higher wages have been fixed under any settlement or negotiation arrived at between the employers and the employees. Certain employers, taking the provisions of the Act to their advantage, threaten their employees to pay only minimum wages fixed under the said Act. Hence, the Act should be amended to provide against this sort of exploitation of employees and to prevent double standard of wage system.

Hence this Bill.

NEW DELHI;

RAHIM KHAN

July 8, 1956.

## BILL NO. 105 OF 1986

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

- |  |                                      |
|--|--------------------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1986.  | Short<br>title.                      |
| 2. In article 311 of the Constitution, in clause (2), the following proviso shall be inserted at the end, namely:—   | Amend-<br>ment of<br>article<br>311. |
| “Provided also that the provisions contained in the first and second provisos of this clause shall not apply to persons holding Class III and Class IV posts, in the service of Union or of a State.”. |                                      |

## STATEMENT OF OBJECTS AND REASONS

Following the recent decision of the Supreme Court about upholding the decision of Government for removing a person from the employment/ services of civil services of the Union, services of all-India and civil services of a State, under article 311 of the Constitution of India, the Class III and Class IV employees in the civil services of Union or a State apprehend of being victimised by their officers under this unlimited power, if they fail to make their officers happy.

Thus, under these circumstances, the employees are forced to shift their loyalty to their officers to protect their livelihood rather than to the country. This situation will become very serious and will be against the overall interest of the country and there is no doubt that this unlimited power under article 311 can be abused by the officers.

Therefore, in the interest of principles of natural justice and poor/ innocent class III and class IV persons in the services of Union and State civil services, and to boost their morale by ensuring them protection from any victimisation on account of abuse of power by their officers in revenge for personal reasons instead of genuine and reasonable official reasons and simultaneously to promote their loyalty in the best interest of the country, it is necessary to amend the Constitution.

The Bill seeks to achieve the above objects.

RAHIM KHAN

NEW DELHI;

July 8, 1936.

## BILL NO. 107 OF 1986

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

- |   |                               |
|---|-------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1986. | Short title and commencement. |
| (2) It shall come into force at once.                                 |                               |
| 2. Article 310 of the Constitution shall be omitted.                  | Omission of article 310.      |
| 3. In article 311 of the Constitution,—                               | Amendment of article 311.     |
| (i) in clause (2) second proviso shall be omitted; and                |                               |
| (ii) clause (3) shall be omitted                                      |                               |

## STATEMENT OF OBJECTS AND REASONS

The provisions of the Constitution, sought to be omitted, affect the fundamental and democratic rights of the Central and the State Governments employees and workers. During the last twenty years many Central and State Governments employees have been removed indiscriminately and arbitrarily under these undemocratic provisions. These provisions have no conformity with the norms and values of democratic country like India. These provisions are nothing but the replica of the Government of India Act, 1935 which was known as a Doctrine of Royal Pleasure.

According to the provisions of the Constitution, the services of State and Central Government employees are placed at the pleasure of the President and the Governors of the States respectively and by that the Government employees are deprived of the principles of natural justice for self defence. These provisions are a constant threat to the services of Government employees and hang as a democles sword on their heads. One crore State and Central Government employees have started relentless struggle against these black laws and are demanding deletion of these provisions from the Constitution.

In view of this, it has become imperative that these provisions which have given powers to the Government to dispense with the services of both the State and Central Government employees without giving them any opportunity, of self-defence and assigning any reason, should be deleted from the Constitution to safeguard their democratic rights and to extend the scope of natural justice and right of self-defence.

Hence this Bill.

NEW DELHI;

AJOY BISWAS

July 25, 1986.

## BILL No. 104 OF 1986

*A Bill further to amend the Payment of Gratuity Act, 1972*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 1986.

Short  
title and  
com-  
mence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

39 of 1972.

2. In section 2 of the Payment of Gratuity Act, 1972, in clause (e), for the words "one thousand and six hundred rupees", wherever they occur, the words "two thousand and five hundred rupees" shall be substituted.

Amend-  
ment of  
section 2.

## STATEMENT OF OBJECTS AND REASONS

Presently, the Payment of Gratuity Act, 1972, covers only those employees who are drawing the salary/wages up to rupees 1600/- per month. That amount was substituted for the original rupees 1000/- by Act No. 25 of 1984 with effect from 1-7-1984. Many companies are taking advantage of this and do not pay gratuity, once the employee's salary crosses the prescribed limit. The Payment of Bonus Act, 1965, was amended last year to cover those employees whose monthly salary/wages was upto rupees 2500/- for payment of statutory bonus.

In the circumstances it is necessary that the gratuity should also be paid to the employees who are earning upto rupees 2500/- per month.

Hence this Bill.

NEW DELHI;

SHARAD DIGHE

*July* 29, 1986.



## BILL No. 115 OF 1986

*A Bill to provide for the payment of compensation by the State to citizens or their dependents for injury suffered and damage to property in the course of civil disturbance, riot or commotion.*

WHEREAS the protection of the life, limb, property and honour of the citizens is a primary responsibility of a State;

AND WHEREAS social violence leading to civil disturbance, riot or commotion is assuming grave proportions;

AND WHEREAS it is just and expedient to provide for payment of compensation by the State to the citizens for injury suffered during civil disturbance, riot or commotion;

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Civil Disturbance Victims Compensation Act, 1986.

Short  
title,  
extent  
and com-  
mence-  
ment.

- (2) It extends to the whole of India.  
 (3) It shall come into force with immediate effect.

Defini-  
tions.

2. In this Act unless the context otherwise requires,—

(a) "appropriate Government" means, the State Government in relation to any of the matters falling within its purview and in respect of any other matter, the Central Government;

(b) "Commissioner" means a Commissioner for the payment of compensation to the victims of a civil disturbance, riot or commotion appointed under section 8;

(c) "compensation" means compensation as provided under section 3;

(d) "dependents" means any of the relatives as defined in clause (d) of sub-section (1) of section 2 of the Workmens' Compensation Act, 1923, as amended upto date; and

(e) "schedule" means the schedule annexed to the Railway Accidents (Compensation) Rules, 1950, as amended upto date.

8 of 1923

Payment  
of com-  
pensation  
for injury to  
the  
victims.

3. If injury is caused to a person or a citizen by an accident or design arising out of or in the course of a civil disturbance, riot or commotion, the appropriate Government shall pay compensation to the citizens in accordance with the provisions of the Act:

Provided that the appropriate Government shall not be liable to pay compensation,—

(a) in respect of any injury to the person which has not resulted in total or partial disablement for a period exceeding thirty days;

(b) in respect of any injury, to the person, whose cause is directly attributable to the citizen having been at the time thereof under influence of liquor or drugs, the citizen having wilfully disobeyed an order expressly given by the civil authorities for the purpose of securing his safety; the citizen having wilfully removed or disregarded any safety arrangements which he knew and believed to have been provided for the purpose of securing his safety or the citizen having himself participated in the civil disturbance, riot or commotion or committed an act of violence except in self-defence.

Payment  
of com-  
pensation  
for  
damage  
to pro-  
perty.

4. If damage is caused to the property of a citizen in the course of a civil disturbance, the appropriate Government shall be liable to pay compensation in accordance with the provisions of this Act.

Bar to  
claim  
compen-  
sation for  
injury/  
damage.

5. Nothing contained hereunder shall be deemed to confer any rights to compensation on a citizen in respect of any injury, if he has instituted in a Court of Law, a suit for damages in respect of the injury against any other person or authority; and no suit for damages shall be maintainable by a citizen in any Court of Law in respect of any injury if he has instituted a claim to compensation in respect of the said injury before a Commissioner appointed under section 8.

6. Subject to the provisions of this Act, the amount of compensation for personal injury shall include, at the discretion of the Commissioner, in addition to the amount payable under the schedule, a suitable amount as compensation for pain and suffering caused to the victim.

Amount of compensation for personal injury.

7. The amount of compensation for loss of property shall be calculated on the basis of the substitution or replacement cost or market value, as the case may be, of the property.

Amount of compensation for loss of property.

8. (1) The appropriate Government shall, by public notification, appoint a Commissioner within thirty days of the date of occurrence of a disturbance, riot or commotion which caused injury to any citizen.

Appointment of Commissioner.

(2) The person so appointed shall be a person who has been or is qualified for appointment as a judge of a High Court or is or has exercised the powers of a District Judge or a District Magistrate or a Chief Judicial Magistrate.

9. The appropriate Government may appoint any District Judge or District Magistrate or Chief Judicial Magistrate as an ex-officio Commissioner for determining claims arising out of a civil disturbance, riot or commotion in the area of jurisdiction of such District Judge or District Magistrate.

Appointment of ex-officio Commissioner.

10. The Commissioner shall invite and receive claims from citizens affected in respect of total or partial disablement or loss of property, and in the case of death from the heirs of the deceased as recognised in the personal law applicable.

Inviting claims.

11. The Commissioner shall notify a date by which the claims must be filed and also specify particulars and the nature of supporting documents required to be filed by the claimants.

Filing of claims.

12. The Commissioner shall dispose of the claims filed with him within sixty days of the date of filing.

Disposal of claims.

13. The appropriate Government shall pay the compensation as determined by the Commissioner within thirty days from the date of such determination.

Time within which compensation may be paid.

14. The Commissioner shall publish a weekly statement of claims disposed of and the amounts awarded as well as a weekly statement of pending claims with him.

Publication of statement.

15. Where the Commissioner feels that the payment of compensation has been obtained by any person by fraud or impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner prescribed by law for the recovery of arrears of land revenue.

Improper payment.

Civil authorities to submit particulars of disturbances to Commissioner.

16. The Commissioner may require the civil authorities of the district where the disturbance, riot or commotion took place to submit to him within thirty days of the service of a notice, a statement giving the circumstances leading to the disturbance, riot or commotion and the extent of the loss of life, limb and property in such occurrence.

Appointment of Committee.

17. (1) The Commissioner may call for the services of one or more persons possessing special knowledge of any matter relevant to the claims, to assist him and may, if he deems fit, appoint a committee consisting of such local citizens to verify the claims filed with him.

(2) The Commissioner may desire a claimant to be examined by a qualified medical practitioner to determine the extent of disablement caused to him.

Seat of Commissioner.

18. The Commissioner shall have his seat in the area specified in the notification.

Power of Commissioner.

19. (1) The Commissioner shall have all the powers of a civil court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the presence of witnesses and compelling the production of documents and material objects.

5 of 1908

(2) Subject to the provisions in sub-section (1), the Commissioner shall have the authority to devise his own procedure for expeditious determination of claims.

Personal appearance, etc.

20. Any claimant for compensation may make a personal appearance application for any act required to be made or done under this Act or may choose to do so through a legal practitioner or by an official of an insurance company or the representative of a recognised relief committee.

Submission of returns.

21. The Commissioner shall send to the appropriate Government, at such time and in such form and to such authority, as may be specified in the notification of appointment, a return specifying the cases of compensation already determined as well as the cases under consideration.

Appeal.

22. An appeal shall lie to the High Court from the following orders of a Commissioner:—

(a) an order refusing to register a claim for compensation;

(b) an order awarding negligible sum as compensation or disallowing a claim in full; and

(c) an order providing for the disbursement of the amount of compensation among the heirs of a deceased citizen or disallowing the claims of a person claiming to be an heir or a dependent.

23. (1) The Government may make rules to carry out the purposes of this Act.

Power to  
make  
rules..

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

24. For all matters not covered under this Act, the Workmen's Compensation Act, 1923, as amended from time to time and the rules framed thereunder shall apply *mutatis mutandis* to the claims made under this Act.

Applica-  
tion of  
Work-  
men's  
compensa-  
tion Act,  
1923.

## STATEMENT OF OBJECTS AND REASONS

Social violence has assumed an endemic form and virulent dimension in our country. Violent disturbances caused by communal, linguistic, ethnic and caste tensions have given rise to deaths and injuries to persons and property on a mass scale. The Government and the administrative machinery appears to be helpless in the face of such disturbances, unable to pre-empt the outbreak or to control it by timely and effective action. There have also been widespread allegations of active involvement of the police force itself in acts of violence directed against one community or another. Thus both the efficiency and the impartiality of the State have come to be questioned. The level of injury is thus directly linked to the performance of the State machinery.

The relief provided to the victims by the State has been nominal or inadequate and on a much smaller scale than to those involved in railway, what to speak of air, accidents. The relief is not even comparable to the compensation paid under the Workmen's Compensation Act, 1923, for loss of life or limb and of earning capacity. And what little is done, is as an act of charity or of patronage.

At present there is no legal liability on the State either under Constitution or under the existing laws, to give compensation to the victims of such disturbances, riots and commotion. Many States have enacted such legislation, since it is the duty of the State to preserve law and order and to protect life and property. Thus the State has a moral obligation to compensate and rehabilitate the victims.

Social violence is often motivated by a desire to cause economic losses. So adequate compensation would deter such motivation.

Also generous rehabilitation would heal the wounds and make for reconciliation between the communities/groups concerned.

From the constitutional angle, the State is within its competence to pay compensation and to promulgate a uniform scheme for the purpose, in order to obviate the charge of discrimination in preferential treatment, as is the case now.

Hence this Bill.

NEW DELHI;  
July 29, 1986.

SYED SHAHABUDDIN

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall pay compensation to the victims of a civil disturbance, riot or commotion, whenever it occurs. Clause 4 provides that the appropriate Government shall pay compensation for damage caused to the properties of citizens during a civil disturbance, riot or commotion whenever it occurs. Clause 8 provides that the appropriate Government shall appoint a Commissioner within thirty days of the occurrence of a civil disturbance, etc. Clause 17 provides that the Commissioner may appoint a committee to assist him in disposal of claims made by the victims. The Central Government has to incur expenditure in respect of cases occurring in Union territories. The Central Government shall also have to provide financial assistance to State Governments for carrying out the purposes of the Bill. The Bill, if enacted, would therefore involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one crore is likely to be involved.

A non-recurring expenditure of about rupees ten lakhs is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill gives power to the Central Government for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.



## BILL NO. 113 OF 1986

*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986.

2. For article 347 of the Constitution, the following article shall be substituted, namely:—

“347. On a demand being made in that behalf by any linguistic minority within a State, the President shall direct that such language shall also be recognised throughout that State, or any part thereof, for such purposes as he may specify:

Provided that no such recognition shall be granted unless ten per cent. population of that State or a district or a block within that State speak that language and that language has been specified in the Eighth Schedule or recognised in that State as a medium of instruction at the primary stage of education.

Short  
title.

Substi-  
tution of  
new  
article  
for  
article  
347.

Special  
provision  
relating  
to lan-  
guage  
spoken  
by a  
section  
of the  
popula-  
tion  
of a state.

*Explanation.*—In this article, the expression “population” means the population as ascertained at the last preceding decennial census of which the relevant figures have been published.”.

Sub-  
stitution  
of new  
article  
for  
article  
350A.

3. For article 350A of the Constitution, the following article shall be substituted, namely:—

Facilities  
for ins-  
truction in  
mother-  
tongue  
in schools.

“350A. Every State and every local authority within the State shall provide adequate facilities for using the mother-tongue as medium of instruction at the primary stage of education and for teaching the mother-tongue as the compulsory first language at the secondary stage of education to children belonging to the linguistic minority and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.”.

## STATEMENT OF OBJECTS AND REASONS

No State in India is linguistically homogeneous. Every State/Union territory in India has linguistic minorities, speaking scheduled as well as non-scheduled languages. Even these languages which are spoken by vast majorities in one State, form linguistic minorities in the other States. Within a State, concentration varies from one part of the State to another. All linguistic minorities would like their languages to be used in education and administration, as they face the threat of assimilation by the major linguistic group, if their mother-tongues are not taught or so used.

The constitutional position is not clear. In article 347 of the Constitution, the word 'substantial' gives rise to ambiguity, while article 350A is not mandatory. Thus, linguistic conflicts have remained unresolved and simmering conflicts can at times reach explosive proportions.

In order to avoid conflict, a uniform national policy on the place of minority languages is essential. The Bill proposes that for purposes of administrative use, the block should be the unit and the criterion should be whether a given linguistic group forms ten per cent. of its population. Ten per cent. as a cut-off point appears reasonable and administratively feasible. Similarly, it should be mandatory for the State to provide primary education through the medium of the mother-tongue and to teach it at the secondary level, as the compulsory first language. These steps will guarantee that the minority languages continue to flourish and national integration is promoted.

Hence this Bill.

NEW DELHI;

SYED SHAHABUDDIN

July 29, 1986.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the State shall provide facilities for instruction in the mother-tongue and in other subjects through its medium to children belonging to linguistic minority in schools. This facility is being provided in many places. For this purpose, more teachers may have to be appointed. In respect of schools in States, the respective States would incur expenditure. In respect of schools in Union territories and schools in other places run by the Central Government, the Central Government would have to incur expenditure from the Consolidated Fund of India. An annual recurring expenditure to the tune of about rupees one crore is likely to be involved.

Non-recurring expenditure to the tune of about rupees twenty-five lakhs is also likely to be involved.

## BILL NO. 114 OF 1986

*A Bill to provide representation in Parliament to Indian nationals residing abroad.*

WHEREAS every citizen of India has a right to participate in the governance of the country;

AND WHEREAS elections to Parliament are held on the basis of adult suffrage;

AND WHEREAS a large number of Indian nationals who ordinarily reside abroad are keen to participate in the parliamentary elections to be held from time to time in India;

AND WHEREAS it is in the national interest to profit by their experience and ideas and to take notice of their problems and interests;

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Nationals Abroad (Representation in Parliament) Act, 1986.

Short  
title  
and  
commence-  
ment

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Right to  
vote to  
Indian  
nationals  
abroad.

2. Notwithstanding anything contained in any other law for the time being in force, there shall be formed, for the purposes of election to the House of the People, one or more parliamentary constituencies of all citizens of India residing abroad, in a manner that each constituency covers a geographically contiguous area and the number of citizens of India residing therein is comparable to that of an average Parliamentary constituency in India.

Diplo-  
matic and  
Consular  
Officer  
to assist  
Election  
Commis-  
sion and  
to work as  
Electoral  
Officers.

3. The Head of the Diplomatic Mission and the Consular Officer of the Government of India in a foreign country shall be designated as an Electoral Officer for the purpose of conducting an election and shall assist the Election Commission in conducting the election.

Election  
Commis-  
sion to  
prepare  
electoral  
rolls  
of Indian  
nationals  
abroad.

4. The Election Commission shall prepare separate electoral rolls of Indian nationals residing abroad for each constituency, referred to in section 2.

Power to  
make  
rules.

5. (1) The Central Government shall make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the manner of preparation of electoral rolls of Indian nationals residing abroad country-wise;

(b) the location of polling booths and appointment of polling officers;

(c) the delivery of ballot papers to the Electoral Officers and to the Polling Officers;

(d) transmission of used ballot papers;

(e) the counting of votes cast; and

(f) manner of transmission of result of the count to the Election Commission.

(3) The rules so framed shall come into force with immediate effect and shall be laid on the Table of the House of Parliament and if any rule is disapproved or modified by Parliament within forty days of its being so laid, it shall cease to be in force, or shall remain in force with such modification, as the case may be.

## STATEMENT OF OBJECTS AND REASONS

Over the years a large body of Indian nationals have come to reside ordinarily in foreign countries. They continue to take keen interest in the affairs of their country, but are unable to exercise their franchise because there is no machinery in existence to enable them to register themselves as voters or to vote in the elections.

For various reasons, it is considered impracticable for Indian nationals residing abroad to be registered as voters at their permanent residence in India and even if a citizen is registered, it is impracticable for him to receive the ballot paper and to cast his vote in his home constituency.

Keeping in view this difficulty, a new approach to the problem is proposed in this Bill. The Indian nationals residing abroad should form one or more parliamentary constituencies comparable, in the number of voters to an average constituency in India. They could then be represented in Parliament as representatives of Indian nationals residing abroad. This would have the added advantage that these representatives would focus attention on the problems and reflect aspirations of the Indian community they represent and bring to bear on national affairs the views of their constituents and their experience. It may be added that under this scheme there could be a separate time schedule for elections to these overseas constituencies, in case it is difficult to hold them exactly at the same time when parliamentary elections are held in India.

This Bill shall remove a genuine grievance of Indian nationals residing abroad and strengthen their emotional bond with their country of origin.

Hence this Bill.

NEW DELHI;

SYED SHAHABUDDIN

July 29, 1986.

### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Election Commission shall prepare separate electoral rolls of Indian nationals residing abroad. Clause 5 provides for appointment of polling officers and for matters connected with the elections. The Bill therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees five lakhs.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill provides that the Central Government shall make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is of a normal character.



## BILL No. 108 OF 1986

*'A Bill further to amend the Payment of Bonus Act 1965.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Bonus (Amendment) Act, 1986.

(2) It shall come into force at once.

21 of 1965.

2. In section 2 of the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act),—

(i) in clause (13), after the word "industry", the words "and establishment" shall be inserted; and

(ii) after clause (16), the following clause shall be inserted, namely:—

‘(16A) “establishment/office” means any establishment office run or set up under the authority of any department of the Central or a State or a Union territory Government or a local authority.’.

3. Section 32 of the principal Act shall be omitted.

Short  
title  
and  
com-  
mence-  
ment.  
Amend-  
ment of  
section 2.

Omission  
of section  
32.

### STATEMENT OF OBJECTS AND REASONS

The employees in establishments of Central and State Governments and local authorities have been kept outside the purview of the Payment of Bonus Act which was passed in 1965. There are more than one crore employees and teachers working under Central and State Governments and local bodies who have been deprived of the bonus without rhyme or reason. Though certain sections of the Central Government employees are getting bonus linked with productivity but that is outside the ambit of the Payment of Bonus Act, 1965 and the minimum bonus has not been assured to the Central Government employees.

Besides the eighty lakhs employees who are engaged under the establishments of State Governments and local bodies, have been denied the bonus which is a sheer discrimination and against the natural justice. They also deserve the same treatment in case of payment of bonus on equal footing, with wage earners of other categories of employees/workers of the country who get bonus. The employees of Central Government, State Governments and local bodies are living within the same economic and social conditions alongwith other working people of the country and they have also tremendous contributions to the development of the country. So there should not be any differentiation in payment of bonus.

For the sake of equality and natural justice the proposed amendments are necessary.

NEW DELHI;

July 31, 1986.

AJOY BISWAS

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of bonus to the employees of establishments/offices run or set up under the authority of any department of the Central, States and Union territories Governments, and other local authorities. Clause 3 seeks to apply the provisions of the Act to certain categories of employees who are at present not covered under it. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of employees of Central and Union territories Governments. Moreover, the Central Government shall provide financial assistance to State Governments to carry out the provisions of the Bill. An annual recurring expenditure of about rupees five hundred crores is likely to be involved.

Non-recurring expenditure of about rupees two crores is also likely to be involved from the Consolidated Fund of India.

## BILL No. 109 OF 1986

*A Bill to amend the Prevention of Insults to National Honour Act, 1971.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 1986.

(2) It shall come into force at once.

2. After section 3 of the Prevention of Insults to National Honour Act, 1971, the following section shall be inserted, namely:—

69 of 1971.

“4. Whoever, in any public place or in any other place within public view, does any act, individually or collectively with others, which insults, ridicules, imputes disloyalty or treason, questions the constitutional rights, or otherwise brings into contempt (whether by words, spoken or written, or by acts) any religious, linguistic or ethnic community in the country, or any part thereof, as a social group, shall be punished with imprisonment for a term which may extend to ten years, or with fine not exceeding rupees fifty thousand, or with both.”.

Short  
title and  
Com-  
mence-  
ment.

Insertion  
of new  
section 4.

Insult to  
religious,  
linguistic or  
ethnic Com-  
munity.

## STATEMENT OF OBJECTS AND REASONS

The Prevention of Insults to National Honour Act, 1971, provides for legal penalties for any act which insults or brings into contempt the Constitution or the national flag. There have been increasing instances of whole communities, which constitute the people of India, being insulted or ridiculed or brought into contempt, through words and deeds, imputing disloyalty or treason and questioning their rights as citizens. Such words and deeds not only vitiate the social atmosphere but also militate against the process of national integration. The wholesale condemnation of any community in India is thus an anti-national act. National honour demands that no community should be subjected to dishonour or insult and that the honour of any community should be protected.

Hence this Bill.

NEW DELHI;

SYED SHAHABUDDIN

August 8, 1986.

## BILL NO. 111 OF 1986

*A Bill to amend the Prevention of Insults to National Honour Act, 1971.*

Enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short  
title  
and  
com-  
mence-  
ment.

1. (1) This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substi-  
tution  
of new  
sections  
for  
section 3.  
Compul-  
sory  
sing-  
ing of  
Indian  
National  
Anthem

2. For section 3 of the Prevention of Insults to National Honour Act, 1971, the following sections shall be substituted, namely:—

66 of 1971.

“3. (1) The Central Government may, from time to time, issue orders making it compulsory for the citizens of India or a group or section of the society to sing the Indian National Anthem on occasions and times specified in the said order.

(2) Notwithstanding anything contained in sub-section (1), it shall be the responsibility of the person, directly in charge, whether

called as a head-master or by some other designation, of a pre-primary, primary, secondary or a higher-secondary school, to organise the collective singing of the Indian National Anthem by the teachers, students as also non-teaching staff every day before the commencement of the classes.

4. Any person who intentionally disobeys an order issued under sub-section (1) of section 3 or violates the provisions contained in sub-section (2) of section 3, shall be punished with imprisonment for a period of not less than seven days but which may extend to one year."

Punish-  
ment  
for  
violating  
provisions  
of  
section 3.

## STATEMENT OF OBJECTS AND REASONS

National honour is a very precious treasure of our country, which we have to safeguard at all costs. It is not sufficient if our country develops only materially and our citizens prosper. Feelings of patriotism must be ever present in the body and soul of every citizen.

The Indian National Anthem is one instrument which can remind us of our proud country and her heritage. Although, people by and large sing National Anthem with pride, whenever occasion demands, yet, making it compulsory on certain occasions, times and at certain stages, specially at the school level of education, is the need of the hour and would be in the national interest.

Hence this Bill.

SHANTARAM NAIK

NEW DELHI;  
August 22, 1986.

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SUBHASH C. KASHYAP,  
*Secretary-General.*